

I-589, Application for Asylum
and for Withholding of Removal

START HERE - Please type or print in black ink. See the Instructions for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

NOTE: Please check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A. I. Information about you.

1. Alien Registration Number(s) (A#s) (If any) [REDACTED]		2. U.S. Social Security Number (If any)	
3. Complete Last Name Gutierrez		4. First Name Oscar	5. Middle Name Emilio
6. What other names have you used? (Include maiden name and aliases.) none		7. Residence in the U.S. (Where you physically reside.)	
Street Number and Name 1715 S. Espina		Telephone Number (602) 718-5219	
City Las Cruces	State NM	Apt. Number	
8. Mailing Address in the U.S. (If different than the address in No. 7) In Care Of (If applicable):		Zip Code 88001	
Street Number and Name		Telephone Number ()	
City	State	Apt. Number	
9. Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		10. Marital Status: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
11. Date of Birth (mm/dd/yyyy) 06/03/1993		12. City and Country of Birth Juarez, Mexico	
13. Present Nationality (Citizenship) Mexico		14. Nationality at Birth Mexico	15. Race, Ethnic or Tribal Group Hispanic
16. Religion Christian		17. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input checked="" type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.	
18. Complete 18 a through c. a. When did you last leave your country? (mm/dd/yyyy) <u>06/17/2008</u> b. What is your current I-94 Number, if any? _____ c. Please list each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)			
Date <u>06/17/2008</u>	Place <u>Antelope Wells, New Mexico</u>	Status <u>humanitarian parole</u>	Date Status Expires: _____
Date _____	Place _____	Status _____	
Date _____	Place _____	Status _____	
19. What country issued your last passport or travel document?		20. Passport # _____	21. Expiration Date (mm/dd/yyyy) _____
		Travel Document # _____	
22. What is your native language? (Include dialect, if applicable.) Spanish		23. Are you fluent in English? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	24. What other languages do you speak fluently? none
For EOIR use only.		Action: _____	For USCIS use only. Decision: _____
		Interview Date: _____	Approval Date: _____
		Asylum Officer ID#: _____	RECEIVED IN COURT DATE: <u>10/19/2008</u> ROBERT S HOUGH IMMIGRATION JUDGE Referral Date: _____

Part A. II. Information about your spouse and children.

Your spouse.

I am not married. (Skip to Your children, below.)

1. Alien Registration Number (A#) (If any)	2. Passport/ID Card No. (If any)	3. Date of Birth (mm/dd/yyyy)	4. U.S. Social Security No. (If any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Maiden Name
9. Date of Marriage (mm/dd/yyyy)	10. Place of Marriage		11. City and Country of Birth
12. Nationality (Citizenship)	13. Race, Ethnic or Tribal Group		14. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
15. Is this person in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 16 to 24.) <input type="checkbox"/> No (Specify location.)			
16. Place of last entry in the U.S.	17. Date of last entry in the U.S. (mm/dd/yyyy)	18. I-94 No. (If any)	19. Status when last admitted (Visa type, if any)
20. What is your spouse's current status?	21. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	23. If previously in the U.S., date of previous arrival (mm/dd/yyyy)
24. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Your children. Please list all of your children, regardless of age, location or marital status.

I do not have any children. (Skip to Part A. III., Information about your background.)

I have children. Total number of children: _____

(NOTE: Use Supplement A Form I-589 or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A#) (If any)	2. Passport/ID Card No. (If any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security No. (If any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location.)			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S. (mm/dd/yyyy)	16. I-94 No. (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Part A. II. Information about your spouse and children. (Continued.)

1. Alien Registration Number (A#) (If any)	2. Passport/ID Card No. (If any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security No. (If any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
<p>13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location.)</p>			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S. (mm/dd/yyyy)	16. I-94 No. (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	<p>20. Is your child in Immigration Court proceedings?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No</p>			
1. Alien Registration Number (A#) (If any)	2. Passport/ID Card No. (If any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security No. (If any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
<p>13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location.)</p>			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S. (mm/dd/yyyy)	16. I-94 No. (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	<p>20. Is your child in Immigration Court proceedings?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No</p>			
1. Alien Registration Number (A#) (If any)	2. Passport/ID Card No. (If any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security No. (If any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
<p>13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location.)</p>			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S. (mm/dd/yyyy)	16. I-94 No. (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	<p>20. Is your child in Immigration Court proceedings?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No</p>			

Part A. III. Information about your background.

1. Please list your last address where you lived before coming to the U.S. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
Soya and Catalpa St. same	Ascension	Chih	Mexico	08/2006	06/2008

2. Provide the following information about your residences during the past five years. List your present address first.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
1715 S. Espina	Las Cruces	NM	Mexico		Present
Soya and Catalpa St.	Ascension	Chih	Mexico	08/2006	08/2008
Arce St.	Ascension	Chih	Mexico	08/2000	08/2006

3. Provide the following information about your education, beginning with the most recent.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)

4. Provide the following information about your employment during the past five years. List your present employment first.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location	
		<input type="checkbox"/> Deceased	
Mother		<input type="checkbox"/> Deceased	
Father	Emilio Gutierrez-Soto	<input type="checkbox"/> Deceased	Nuevo Casas Grandes, Mexico
Sibling	none	<input type="checkbox"/> Deceased	Las Cruces, NM, USA
Sibling		<input type="checkbox"/> Deceased	
Sibling		<input type="checkbox"/> Deceased	
Sibling		<input type="checkbox"/> Deceased	

Part B. Information about your application.

(NOTE: Use Supplement B, Form I-589 or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture) you should provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places and descriptions about each event or action described. You should attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, please explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below:

I am seeking asylum or withholding of removal based on:

<input type="checkbox"/> Race	<input checked="" type="checkbox"/> Political opinion
<input type="checkbox"/> Religion	<input checked="" type="checkbox"/> Membership in a particular social group
<input type="checkbox"/> Nationality	<input checked="" type="checkbox"/> Torture Convention

- A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

No Yes

If "Yes," explain in detail:

- (1) What happened;
- (2) When the harm or mistreatment or threats occurred;
- (3) Who caused the harm or mistreatment or threats; and
- (4) Why you believe the harm or mistreatment or threats occurred.

In February 2005, my father, Emilio Gutierrez wrote a newspaper article detailing the robbery of a hotel in Palomas, Chihuahua by Mexican military soldiers. As a result of this report, General Vega of the 5th Military Zone in Chihuahua called my father to a meeting at the Hotel Miami in Ascension, Chihuahua and threatened him with physical harm if he did not stop writing articles critical of the Mexican soldiers. My father denounced the general with the National Commission for Human Rights and the Public Ministry in Nuevo Casas Grandes, Chihuahua. On May 5, 2008 several soldiers broke into my home looking for drugs and arms. They vandalized our house and stole my father's wallet with money and identification. An article appeared in the newspaper the next day. My father immediately filed another complaint with the Public Ministry and Commission on Human Rights. In early June of 2008 a school teacher friend of my father's contacted him and told him to leave Mexico immediately because the Mexican military was going to kill him.

- B. Do you fear harm or mistreatment if you return to your home country?

No Yes

If "Yes," explain in detail:

- (1) What harm or mistreatment you fear;
- (2) Who you believe would harm or mistreat you; and
- (3) Why you believe you would or could be harmed or mistreated.

If returned to Mexico I believe that I would be killed by the Mexican military as a result of my father's newspaper articles criticizing the Mexican military and because of his consistent public denunciations of the military.

Part B. Information about your application. (Continued.)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

No

Yes

If "Yes," explain the circumstances and reasons for the action.

3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

No

Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

My father has been a journalist for the past 25 years.

B. Do you or your family members continue to participate in any way in these organizations or groups?

No

Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

My father will always be a journalist.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

No

Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

See attached affidavit.

Part C. Additional information about your application.

(NOTE: Use Supplement B, Form I-589 or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U. S. Government for refugee status, asylum or withholding of removal?

No

Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents or your siblings received as a result of that decision. Please indicate whether or not you were included in a parent or spouse's application. If so, please include your parent or spouse's A-number in your response. If you have been denied asylum by an Immigration Judge or the Board of Immigration Appeals, please describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

2. A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States? No Yes

B. Have you, your spouse, your child(ren) or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

No Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

No Yes.

If "Yes," describe in detail each such incident and your own, your spouse's or your child(ren)'s involvement.

Part C. Additional information about your application. (Continued.)

4. After you left the country where you were harmed or fear harm, did you return to that country?

No Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s) and the length of time you remained in that country for the visit(s).)

5. Are you filing this application more than one year after your last arrival in the United States?

No Yes

If "Yes," explain why you did not file within the first year after you arrived. You should be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part I: Filing Instructions, Section V. "Completing the Form," Part C.

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted and sentenced for any crimes in the United States?

No Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, the reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

Part D. Your Signature.

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

Staple your photograph here or the photograph of the family member to be included on the extra copy of the application submitted for that person.

WARNING: Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name.

Oscar Emilio Gutierrez

Write your name in your native alphabet.

Did your spouse, parent or child(ren) assist you in completing this application? No Yes (If "Yes," list the name and relationship.)

(Name)

(Relationship)

(Name)

(Relationship)

Did someone other than your spouse, parent or child(ren) prepare this application?

No

Yes (If "Yes," complete Part E.)

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim?

No

Yes

Signature of Applicant (The person in Part A.I.)

[

]

Sign your name so it all appears within the brackets

Date (mm/dd/yyyy)

Part E. Declaration of person preparing form, if other than applicant, spouse, parent or child.

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer		Print Complete Name of Preparer	
		Carlos Spector	
Daytime Telephone Number (915) 544-0441	Address of Preparer: Street Number and Name 1430 E. Yandell		
Apt. No.	City El Paso	State TX	Zip Code 79902

Part F. To be completed at asylum interview, if applicable.

NOTE: You will be asked to complete this Part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered _____ to _____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of asylum officer

Part G. To be completed at removal hearing, if applicable.

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered _____ to _____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of immigration judge